WP(C) 4009/2007

BEFORE

THE HON’BLE MR JUSTICE IA ANSARI

Heard Mr. HRA Choudhury, learned Senior counsel for the petitioner, and Mr. SS Sarma, learned counsel for the respondent No.2. Heard Ms. VL Sinha, learned Government Advocate, appearing on behalf of the remaining respondents.

Upon hearing the learned counsel for the parties and on perusal of the materials on record, I am inclined to dispose of the writ petition, at this stage itself, with the following observations and directions:

The petitioner’s basic grievance is that the petitioner has applied for settlement of land, which has been in his occupation and use, but the respondents/authorities concerned have not made any order of settlement in favour of the petitioner, though persons, similarly situated, have been given settlement. This Court cannot direct the respondents/authorities concerned to give settlement to the petitioner; but this Court can certainly direct the respondents/authorities concerned to deal with the representation of the petitioner in accordance with law. The petitioner has also sought for an order directing the respondents/authorities concerned not to evict the petitioner or disturb his possession over the land. Since the land, in question, admittedly, belongs to the State Government, the State Government has no impediment under the law to take possession of the said land by following the procedure established by law.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the respondents, particularly, the respondent No. 3, namely, Deputy Collector, Kamrup, Guwahati, shall examine the grievances of the petitioner with regard to his application for settlement of the land, in question, and decide, in accordance with law, if the petitioner needs to be granted settlement as sought for by him. The whole exercise, so directed, shall be completed within a period of three months from the date of receipt of a certified copy of this order along with copies of the writ petition and annexures thereto by the respondent No.3. The petitioners shall furnish to the respondent No.3 a certified copy of this order along with copies of the writ petition and annexures thereto. It is further directed that the respondents shall not evict the petitioner from the land, in question, without following the procedure established by law.